IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTDH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5444 of 2005

Between:

1 K. Narasimha Chary, S/o. late Ranga Chary,

(48756/FFII/A2/2001)
R/o. H.No. 2-2-1118/2, New Nallakunta, Hyderabad.
2 N. Raghava Chary @ Narasimha Chary (83465/FFII/93-1) S/o.

Ranga Chary,
R/o. H.No. 12, Prasanna Hanuman Temple, Picket,

Secunderabad.
3 Ch. Venkatram Reddy, S/o. Thirupathi Reddy, (55399/Ffi/A1/98)
R/o. Chinthakunta Ramaiahpalli, P.O. Nawabpet Village,

Chityal Mandal,
Warangal District.
4 Smt. M. Poolamma, W.o. late Chenna Reddy, (55399/FFI/A1/98)
R/o. Chinthakunta Ramaiahpalli, P.O. Nawapet Village, Chityal

Mandal, Warangal District.
5 Ch. Ramachandra Reddy, S/o. Narasimha Reddy

(52513/FFI/A1/98-1)
R/o. Chinthakunta Ramaiahpalli, P.O. Nawapet Village,

Chityal Mandal, Warangal District.
6 Kasi Reddy Ram Reddy, S/o. Buchi Reddy (55399/FFI/A1/93-2)
R/o. Chinthakunta Ramaiahpalli, P.O. Nawapet Village,

Chityal Mandal, Warangal District.
7 Smt. Ch. Vijaya, W/o. Late Ch. Vasudeva Reddy,
R/o. Chinthakunta Ramaiahpalli, P.O. Nawapet Village,

Chityal Mandal, District.
8 K. Madhusudan Reddy @ Sudarshan Reddy, S/o. Janardhan

Reddy, (9171/FFII/A91/2002-1)
R/o. Venkatraopeta Village, Mirdoddi Mandal, Medak District.
9 M. Sudarshan Reddy, S/o. Gopal Reddy, (9171/FFII/A91/2002-1)
R/o. Mirdoddi Village & Mandal, Medak District.
10 M. Narasimha Reddy, S/o. Jagannada Reddy,

(80246/FFII/A(2)/2001)
R/o. Mirdoddi Village Mandal, Medak District.

11 E. Ramakrishna Reddy, S/o. Late Ramachandra Reddy

(26111/FFI/A-98-1)
R/o. Gudur Village and Mandal, Warangal District.
12 Smt I. Sujatha, W/o. Late Inugala Indrasena Reddy,

(2526/FFI/A4/92-2)
R/o. K.L.N. Reddy Colony, Hanamkonda, Warangal District.
13 Ambadas Rao, S/o. Guru Bheem Rao, (24593/FFII/A2/98-1)
R/o. C/o. Prabhakar Rao, Advocate, Kondangal Village and

Mandal, Mahaboobnagar District.
14 Y.S. Yella Rao, S/o. Yella Rao,
(25254/FFII/A2/92) R/o. Banda-Mylaram-Kadukal, Mulug

Mandal, Medak District.
15 U.B. Purushotham, S/o. Buddaiah,
(63197/FF.II/A2/2002) R/o. H.NO. 1-7-510/B/2, Harinagar,

Zamisthanpur, Musheerabad, Hyderabad - 20.
16 Marthanda Rao Deshpande, S/o. Seetharam Rao,

(42353/FF.IIA)\(2)/2002)
R/o. Therpol Village, Kondapur Mandal, Medak District.
17 Vengala Bhagawantham, S/o. Balaiah,
(93777/FFII/A4/92-1) R/o. Shanigaram Village Kamlapur

Mandal, Karimnagar District.
18 Burra Janardhan, S/o Komaraiah,
(98070/FFII/A2-1) R/o. Madannapeta Village, Kamalapur

Mandal,
Karimnagar District.
19 Smt. K. Rajamma, W/o. K. Mondaiah,
(8557/FFII/A4-93) R/o. Buttareddygudem Village,
Kamalapur Mandal, Karimnagar District.
20 Smt. E. Tharamma, W/o. late Ekkati Mallaiah, (0356/FFII93-1)
R/o. Buttareddygudem Village, Kamalapur Mandal, Krishna

District.
21 K. Kishta Reddy, S/o. Dharma Reddy,
(110112/FFII/93-1) R/o. Buzunoor Village, Jammikunta Mandal,
Karimnagar District.

22 K. Laxma Reddy, S/o. Raji Reddy,
(41265/FFII/A4/90-2) R/o. Buzunoor Village, Jammikunta

Mandal, Karimnagar District.
23 Mangu Sudharshanam, S/o. Venkaiah,
(33760/FFII/A4-92) R/o. Jaffargad, H/o. Killa Shapur Village and

Post, Raghunathpalli Mandal, Karimnagar District.
24 M. Shesha Reddy, S/o. Kishta Reddy, (27470/FFII/A2/2002)
R/o. H.No. 2-4-183, Road No. 3, Lothukunta, Alwal,

Secunderabad- 15.
25 Smt. M. Rama Devi,W/o. Late Laxmana Chary,(47899/FFII/93-1)
R/o. Buttareddygudem Village, Kamalapur Mandal,

Karimnagar District.

26 Smt. Pesaru Ahalyamma, W/o. Late P. Pulla Reddy,

(93791/FFII/A1/92-1)
R/o. Guniparthy Village, Kamalapur Mandal, Karimnagar

District - 505 102.

..... PETITIONERS

AND

The Deputy Secretary to the Government of India, Ministry of Home Affairs, FF Division, Lok Nayak Bhavan,
Kham Market, New Delhi - 110 001.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declare the action of the respondent as illegal and direct the respondent to consider the applications freedom fighters pensions of the petitioners.

Counsel for the Petitioner:MR.SANGAM SRINIVASA REDDY

Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

The Court made the following :

O R D E R:

This writ petition is filed seeking a Mandamus declaring that the alleged action of the respondent in not considering the applications of the petitioners for Freedom Fighters Pension as arbitrary and illegal.

2. It is stated that the petitioners, who are 26 in number are the Freedom Fighters and dependants of Freedom Fighters and as such they applied for the Freedom Fighters Pension under the Central Scheme known as Swathantra Sainik Samman Pension Scheme, 1980. It is also stated that their names have been recommended by the State Government to the respondent-Union of India for grant of pension under the Scheme. However, in spite of several reminders, the respondent failed to take any action. The petitioners contended that they came to know, that the respondent has now decided to grant new pensions liberalizing the procedure and therefore, there is no justifiable reason for not considering their claims for pension. Hence, this writ petition seeking a declaration that the action of the respondent in not considering the request made by the petitioners in spite of the recommendations made by the State Government as arbitrary and illegal.

3. On behalf of the respondent, a counter affidavit has been field in which it is stated that as per the records available, the cases of the petitioners No.16 and 24 have been examined and disposed of subsequent to the report of the State Government. However, the cases of the other petitioners could not be traced and in the absence of their file number/or State Government's letter number and date, they cannot consider the request of the petitioners. It is further stated that in case the petitioners provide requisite details, the respondent will consider their claim as per law, on merits.

4. Having regard to the stand taken by the respondent in the counter affidavit, the learned counsel for the petitioners states that the details as required by the respondent have already been furnished to the respondent, however if reasonable time is granted, the petitioners will furnish the said details again for consideration by the respondent.

5. In the circumstances, the writ petition is disposed of granting leave and liberty to the petitioners, except the petitioners No.16 and 24, to furnish their details as required by the respondent. If, such details are furnished within a period of four weeks from today, the same shall be considered and appropriate orders be passed by the respondent in accordance with law, within a period of four weeks thereafter.

6 . So far as the petitioners No.16 and 24 are concerned, the respondent having considered their cases passed order dated 24-03-2005 rejecting their claim. A copy of the said proceedings has been annexed to the counter affidavit. It is open to the petitioners No.16 and 24 to challenge the said proceedings by working out the appropriate remedy as available under law.

7. The writ petition is accordingly disposed of. No costs.

_____

11th April, 2005.

Note:

Issue CC in One Week.

B/O

mrb

To

1. The Deputy Secretary to the Government of India, Ministry of Home Affairs,
   FF Division, Lok Nayak Bhavan,
   Kham Market, New Delhi - 110 001.

2. Two CD copies.